

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

I. Status of the Claims

Upon entry of the amendments, claims 9, 11-12 and 27-40 will be pending in the application. Claim 9 presently is revised presently. Exemplary support for the amendment exists in original claim 10 and in paragraphs 0040-0041 of the specification. Claims 10 and 26 presently are being canceled. No claims presently are being added.

II. Claims 9-12 and 26-40 Are Definite, in Compliance with 35 U.S.C. § 112

The Office rejected claims 9-12 and 26-40 for alleged indefiniteness. According to the rejection, it is unclear what conditions induce parent bacterial cells to adopt a filamentous form and how inducing parent bacterial cells to adopt a filamentous form facilitates filtering. Additionally, the rejection alleged that the meaning of “parent bacterial cells” is unclear. Applicants traverse these grounds for rejection.

The contention as to bacterial cell filamentation is inapplicable to the amended claims. Those claims now recite that the condition inducing filamentation is “a stress-inducing osmotic condition, anaerobic condition or nutrient limiting condition.” Those claims also recite that the “filtering passes minicells but not filamentous parent bacterial cells.” These recitations correspond to the description in paragraphs 0040-0041 of the specification, which the examiner recommended using as a guide for the claim language.

The rejection concerning the phrase “parent bacterial cells” is inapplicable because the ordinarily skilled artisan would understand exactly what that term means. As described in paragraphs 0002-0005 of the specification, it is well known that minicells derive from intact bacterial cells. Those intact bacterial cells are known as “parent bacteria” or “parent bacterial cells,” and the present specification consistently refers to them as such. For example, each of paragraphs 0007, 0008, 0009, 0011, 0012, 0013, 0018, 0019, 0021, 0023, 0024, 0026, 0029, 0033, 0034, 0037, 0040, 0041, 0042, 0046, 0047, 0048, 0049, 0050, 0051, 0056, 0061, 0064 in the specification refers to parent bacterial cells as the intact bacteria from which minicells

derive. There is no ambiguity on this point. Moreover, the rejection provides no explanation as to why the examiner believes that the "scope of this limitation is unclear."

For at least the foregoing reasons, the indefiniteness rejections should be withdrawn.

CONCLUSION

Applicants submit that this application is allowable condition, and they request an early indication to that effect. The examiner is invited to contact the undersigned directly, should he feel that any issue requires further consideration.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extensions under 37 C.F.R. §1.136 and authorize payment of any extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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